

**TOWN OF NEWMARKET, NEW HAMPSHIRE  
TOWN COUNCIL REGULAR MEETING**

**January 6, 2016 7:00 PM**

PRESENT: Council Chairman Phil Nazzaro, Council Vice Chairman Gary Levy, Councilor Dale Pike, Councilor Amy Thompson, Councilor Toni Weinstein, Councilor Larry Pickering

EXCUSED: Councilor Amy Burns

ALSO PRESENT: Town Administrator Steve Fournier

**AGENDA**

Chairman Phil Nazzaro welcomed everyone to the January 6, 2016 Newmarket Town Council Meeting and called the meeting to order at 7:00 pm, followed by the Pledge of Allegiance.

Chairman Nazzaro announced that Councilor Amy Burns was an excused absence.

**PUBLIC FORUM**

Chairman Nazzaro opened the Public Forum at 7:01 pm and asked if anyone from the public wished to speak.

As no one from the public came forward, Chairman Nazzaro closed the Public Forum at 7:01 pm.

**PUBLIC HEARING** – None

**TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES**

**Acceptance of the Minutes of the Regular Meeting of December 16, 2015**

Councilor Thompson made a motion to approve the minutes of the regular meeting of December 16, 2015, which was seconded by Vice Chair Levy.

Changes/Corrections: Councilor Thompson noted an error on page 3 of the minutes in the second paragraph under Committee Reports, and corrected the beginning of the second sentence to read: “She said that last Monday...” Councilor Pike also made a correction to the first paragraph under Committee Reports, adding that the proposals were well-reported “by Town Planner Diane Hardy”.

Town Administrator Fournier polled the Council and the motion to accept the minutes of December 16, 2015 was approved, as amended, by a vote of 6-0.

## **REPORT OF THE TOWN ADMINSTRATOR**

Town Administrator Steve Fournier stated that the Secretary of State had scheduled the **Presidential Primary** for February 9, 2016, and that the polls would be open 7:00 am-7:00 pm at the High School. He said that due to the volume of voters expected, he would need two (2) councilors on every shift, with a majority needed at the closing to certify the ballots and sign the box. He next provided an update on the **Road Management Survey** which was being conducted by UNH and the Strafford Regional Planning Commission. He said the data collection had been completed by Strafford Regional Planning and that all the roads had been reviewed, photographed, and categorized by condition. He said that UNH would then be compiling a report with forecasting and recommendations, after which they would make a presentation to the Town Council. He said the report should be completed by the end of February.

Town Administrator Fournier stated that on the agenda for a first reading was a resolution to enter into a consulting agreement with Municipal Resources Inc. (MRI) to conduct the **Organizational Study** requested by the Town Council. He said he had met with MRI earlier in the day and had received the contract late this afternoon. He explained that the rather than include the clause “not to exceed \$40,000”, they had specified a flat rate of \$38,000. He said the contract would be included in the next packet and the amount of the resolution would need to be amended at the next meeting. Town Administrator Fournier next addressed **Waste Collection**, stating that the Town, along with Stratham and Newfield, had negotiated a one-year extension with Casella Waste Management (formerly Best Way) to continue collection of recycling and waste. He said they would see an increase in rates for in both recycling and waste, and would also see a change in the commodity rate as there was currently no market for recyclables. He said that a first reading of the extension of the contract with Casella was on the agenda, and that more back-up information would be included in the next packet. He said this one-year deal would allow the three (3) communities to solicit proposals from other companies for next year for a longer term.

Town Administrator Fournier stated that he had received notification from the New Hampshire Department of Transportation that they would be holding a meeting next Thursday at 7:00 pm in the Auditorium to inform people on the **Route 108 Widening Project** from North Main Street to Durham. He said that they wanted to solicit input from officials as well as from the public and provide an update of the project. He explained that a lawsuit/appeal regarding an environmental permit on the Durham side had caused delays.

Discussion: Vice Chair Levy asked if there were entities other than UNH available to provide advice on how to approach the roads. Town Administrator Fournier said they had gone with UNH due to price, as an engineering firm would have cost three times the amount. He said UNH also received funding from DOT as well as the Federal Highway Administration for their Transportation/Technology Center. Vice Chair Levy felt the original UNH study had lacked a practical aspect, and that due to the amount of money involved, it was in their best interest to have someone else evaluate the report and provide a second opinion. Town Administrator Fournier explained that the study from UNH was not an engineering study, but was an estimate of how they needed to prioritize the roads. He said he had asked them not to specify a set amount to be done annually, but to allow the Town to decide what they could do within a certain amount of available funding. He added that any time a project of this magnitude actually went out to bid, they would absolutely want a second opinion before going forward. Vice Chair Levy felt the practical side involved taking the road traffic into consideration, and Town Administrator Fournier replied that UNH did not do traffic counts and were prioritizing the roads by condition rather than volume. Chairman Nazzaro said that he felt road conditions should be one criteria and road use should be another. Town Administrator Fournier stressed that this was a “road condition” study and said Strafford Regional Planning could possibly provide the road usage information.

Vice Chair Levy asked how the fee for Waste Collection was calculated, and Town Administrator Fournier replied that it was calculated by tonnage for the Town. He explained that they had funds from the pay-per-bag system, but as that did not cover the entire cost, the program was subsidized through tax dollars. Vice Chair Levy asked for an approximate ratio, and Town Administrator Fournier replied that it was around 60%/40% as they did not want to over-price the bags and lose all their revenue. Chairman Nazzaro mentioned using a private company, but Town Administrator Fournier said a private company might only take waste and not recyclables, which they would still have to collect without making a profit. He said he felt Newmarket’s policy was fairer than most communities.

## **COMMITTEE REPORTS**

Vice Chair Levy said that he did not have a Committee Report but that he had spoken with a member of the Planning Board with regard to taking some action on the Economic Development situation by the end of this fiscal year. He said they felt this was a reasonable time period to shoot for so that another year did not go by without any action.

Chairman Nazzaro reported on the *Land-Use Subcommittee of the Town Council*, saying they had met before the meeting. He said they had gone through and confirmed what they decided at the last meeting, and had come up with a list of parcels they felt were right to sell. He said that Town Administrator Fournier had been instructed to contact a real estate firm for assessment of the parcels and report back to the Subcommittee, after which they would present their recommendations to the Council.

## **OLD BUSINESS**

## **ORDINANCES AND RESOLUTIONS IN THE 2<sup>ND</sup> READING**

**Resolution #2015/2016-29 Authorizing the Town Administrator to Enter into a Lease Agreement with Newmarket Community Church to House the Newmarket Town Clock**

Councilor Weinstein made a motion to approve *Resolution #2015/2016-29 Authorizing the Town Administrator to Enter into a Lease Agreement with Newmarket Community Church to House the Newmarket Town Clock*, which was seconded by Councilor Thompson.

Town Administrator Fournier explained that this had come about after earlier discussions with regard to rights to the steeple versus the clock at the Newmarket Community Church. He said they thought this agreement would be good for two reasons: 1) they would outline their responsibilities exactly with the lease, and 2) their part of assisting with the housing of the clock would be their lease payment on an annual basis. He said he had spoken with the Chairman of the Trustees of the Church and they had agreed on an original lease amount of \$2,500, with provisions included for growth as this was a 20-year lease. He said they decided on a minimum yearly increase of 1% with a maximum of 4%, which would be based on the CPI Index for Boston-Urban annually. He said the amount would be paid per fiscal year on September 1<sup>st</sup>, but for this year a payment would be made before that and again in September for the new budget. He said he provided a small spreadsheet of what the rate could be, and that the minimum (1%) after 20 years would be \$3,050, and the maximum (4%) would be \$5,477 in the fiscal year ending 2036.

Discussion: Councilor Thompson had a question on *Section 3* of the lease under *Rent*, and asked why they could not just use the CPI rate rather than specify a minimum or maximum percentage. Town Administrator Fournier explained that a maximum was specified in case the CPI was too high (7-8), and a minimum in the event of a negative CPI as they did not want to have a year that went below the previous year. Councilor Thompson also had a question on *Section 6—Use of Leased Spaces*, asking if this covered the Lessor handling regular maintenance of the steeple so that it did not fall into disrepair. Town Administrator Fournier said that was the intention, but that he could not tie the hands of another Council, and they could not tie the hands of another Board of Trustees. He stated that their Town Attorney had written the lease to make sure their interests were covered, and that the attorney for the Church had reviewed and approved it.

Vice Chair Levy asked if this was the first time this had ever been done, and Town Administrator Fournier said this was the first time a written agreement had been made between the Church and the Town for the clock. He explained that the Town was paying a lease to host their mechanism and the agreement clarified that they understood the need of a revenue source for the Church. Vice Chair Levy felt it was a diplomatic way to address the situation but that he preferred it be done on an as-needed basis. Chairman Nazzaro felt that this formalized the relationship between the Town and the Church, as there had been nothing legally binding so far except that they owned the clock. Vice Chair Levy asked how the figure of \$2,500 had been decided on and Town Administrator Fournier replied that they were trying to find an amount that seemed fair as an annual payment. Councilor Pike felt the agreement was a reasonable resolution of something most of the citizenry would like to see as part of the Town appearance.

Vice Chair Levy pointed out that the yearly fee would be paid in addition to the continued clock maintenance. Town Administrator Fournier said the cost to wind the clock amounted to only \$100 to \$1,000 in annual maintenance, and that there was a Capital Reserve Fund to cover that. Chairman Nazzaro

reiterated that he liked having the agreement formally written to specify whose obligation was what. Councilor Weinstein said she was happy to see the issue resolved, and Councilor Pickering felt they were legally “cleaning up” the agreement made in 1872 when the Town purchased the clock. Vice Chair Levy asked what would happen if the tower needed a major renovation, and Town Administrator Fournier said it would be the obligation of the Church to address that. He reiterated that they were simply renting space in the steeple for the Town clock, and would withdraw the mechanism if the steeple fell into disrepair.

Town Administrator polled the Council and the motion to approve *Resolution #2015/2016-29 Authorizing the Town Administrator to Enter into a Lease Agreement with Newmarket Community Church to House the Newmarket Town Clock* passed by a vote of 6-0.

**ITEMS LAID ON THE TABLE - None**

**NEW BUSINESS/CORRESPONDENCE**

**TOWN COUNCIL TO CONSIDER NOMINATIONS, APPOINTMENTS AND ELECTIONS - None**

**ORDINANCES AND RESOLUTIONS IN THE 1<sup>ST</sup> READING**

**Ordinance #2015/2016-02 Regulating Disposal of Solid Waste, including Curbside Pickup of Domestic or Household Waste and Recyclables**

Chairman Nazzaro asked the Council if there would be any objection to his reading *Ordinance #2015/2016-02* in title only due to its length.

As there were no objections, Chairman Nazzaro read *Ordinance #2015/2016-02 Regulating Disposal of Solid Waste, including Curbside Pickup of Domestic or Household Waste and Recyclables* in title only. He also encouraged the public go online and read the Ordinance in full.

Town Administrator Fournier stated that there would also be a Public Hearing at the next meeting and that the Health Officer and the Public Works Director would be there to make a presentation.

**Resolution #2015/2016-30 Authorizing the Town Administrator to enter into a One-Year Agreement with Casella Waste Systems for Waste and Recycling Services**

Chairman Nazzaro read *Resolution #2015/2016-30 Authorizing the Town Administrator to enter into a One-Year Agreement with Casella Waste Systems for Waste and Recycling Services* in full.

**Resolution #2015/2016-31 Authorizing the Town Administrator to enter into an Agreement with MRI to Conduct an Organizational Structure and Efficiency Study for All Town Departments for an Amount not to Exceed \$40,000**

Chairman Nazzaro read *Resolution #2015/2016-31 Authorizing the Town Administrator to enter into an Agreement with MRI to Conduct an Organizational Structure and Efficiency Study for All Town*

*Departments for an Amount not to Exceed \$40,000* in full, adding that the Council would be amending that amount.

Vice Chair Levy questioned the statement that MRI was the “most qualified” to do the study, saying several firms were qualified but MRI was the best fit. Chairman Nazzaro felt that the words “this study” quantified the statement.

#### **CORRESPONDENCE/CLOSING COMMENTS**

Vice Chair Levy said he wanted to compliment the police officer, who responded to a call on Sunday evening regarding a person on foot in the New Road area, saying he was very professional. He said that he had also called Police Chief Cyr to thank him.

Councilor Pike referred to *Resolution #2015/2016-30* regarding the extension of the agreement with Casella Waste Management. He said he liked the idea of recycling but he was concerned that it cost more to collect and was no longer paying for itself. He felt rather than just renew for another year, it might be important for them to reassess their assumptions with regard to recycling. Town Administrator Fournier said the facilities needed to say they were trying to recycle a portion of their collections. He said they could look at eliminating curbside pickup and have a Transfer Station instead where they could stockpile things until the market improved, but that this would not be convenient for the customer. Councilor Pickering asked if Casella was the only firm currently available and Town Administrator Fournier replied there were fewer firms than previously. Vice Chair Levy asked if the service so far had been commensurate, and Town Administrator Fournier said they had not seen any widespread issues.

#### **NEXT MEETING**

Chairman Nazzaro announced that the next Town Council meeting would be held January 20, 2016.

#### **ADJOURNMENT**

Vice Chair Levy made a motion to adjourn the meeting, which was seconded by Councilor Weinstein. The meeting was adjourned at 7:48 pm.

Respectfully submitted,

Patricia Denmark, Recording Secretary